

*REMARKS/ARGUMENTS**Pending Claims*

Claims 1-7 and 10-14 are pending in this application, claims 8-9 having been previously cancelled without prejudice. Minor amendments have been made to claims 1 and 10-14 to correct spelling errors. Reconsideration of all of the claims in view of the following remarks is respectfully requested.

Rejections Based Upon 35 U.S.C. § 103

The Office Action rejects all of the pending claims as obvious over U.S. Patent 5,926,503 to Kelton et al. in view of U.S. Patent 6,236,365 to LeBlanc et al. Independent claim 1 requires, *inter alia*, “antenna elements ... arranged in groups of at least two antenna elements ... each antenna element of the same group being subjected to the same preset delay” (emphasis added). While the Office Action acknowledges that the primary Kelton reference “does not explicitly teach or even suggest the feature of “said antenna elements are arranged in groups of at least two antenna elements”, the Office Action argues that the LeBlanc reference teaches that feature, and that it would have been obvious to one of ordinary skill in the art to combine the teachings of the Kelton and LeBlanc references to arrive at the subject invention. In presenting the rejection, the Office Action cites Figures 3, 5, 6, 9 and 10; col. 12, lines 7-38; col. 13, lines 1-12; col. 21, line 37 to col. 22, line 11; col. 34, lines 4-18; col. 34, line 54 to col. 35, line 8; and col. 38, line 55 to col. 39, line 67 of the LeBlanc reference. Applicants respectfully submit, however, that a review of the cited Figures and readings of the passages cited yields the conclusion that the rejection is based upon a misreading of the LeBlanc reference. Further, even if the references were to be combined, as suggested in the Office Action, such a combination would not yield the claimed structure. Moreover, the LeBlanc reference itself teaches away from the claimed invention.

Turning to the specific citations, with regard to the cited figures, Figures 3 and 5 of the LeBlanc reference do *not* show a distributed antenna arrangement. Rather, they show different groups of *base stations* with each group sharing a common CMRS. While Figures 6, 9 and 10 of the LeBlanc reference show a distributed antenna arrangement, in sharp contrast to the subject invention, *each* antenna element of the arrangement has a *different* delay.

In this regard, it would seem that the teaching of the LeBlanc reference is of no greater relevance to the subject invention than is the teaching of the Kelton reference.

By way of example with regard to the cited passages, the passage at col. 12, lines 10-24 of the LeBlanc reference, describes different distributed antenna systems having overlapping coverage. The antennas of each distributed antenna system are attached to a different base station and the antennas in the same distributed antenna system are all subject to the *same* delay. Therefore, again, this passage does not disclose a distributed antenna arrangement as defined in independent claim 1 of the subject application wherein the antenna elements of the distributed antenna arrangement are arranged in groups of at least two antenna elements and the different *groups* are "subjected to preset relative delays."

In view of the foregoing distinctions even if, *arguendo*, it could be considered obvious to combine the teachings of the two citations, the combination arrived at would still not amount to the subject invention as defined in independent claim 1. Therefore, independent claim 1 and each of the dependent claims depending therefrom are patentably distinguished from the two citations.

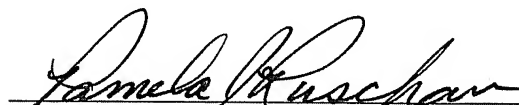
Furthermore, it will be appreciated that the distributed antenna arrangement described with reference to Figures 6, 9 and 10 of the LeBlanc reference is used to determine the *location* of a mobile station. To that end, *each* antenna of the distributed antenna arrangement has a *different* delay. As described at column 34, lines 4-18 of the LeBlanc reference, a delayed signal is derived for each antenna and "since each delay is essentially fixed in location, such information can be used to determine the mobile station location". Thus, because each antenna of the distributed antenna arrangement has a known, fixed location and can be identified by virtue of its respective delay the location of a mobile station can be determined from the delayed signals received from several different antennas.

In the light of this teaching, it would not have been considered obvious to apply the *same* delay to each antenna element of the *same* group, as required by claim 1 of the subject application. In doing so, it would then be impossible to use delayed signals to distinguish one antenna element of a group from another antenna element in the same group, introducing ambiguity into the determination of mobile station location. As a result, Applicants submit that the LeBlanc reference actually teaches away from the claimed arrangement.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Pamela J. Ruschau", is written over a horizontal line.

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